UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CASINO ONE CORPORATION d/b/a LUMIERE PLACE CASINO and HOTELS

and

Case 14-CA-078274

UNITE HERE LOCAL 74

ORDER¹

Casino One Corporation's petition to revoke subpoena duces tecum B-613019 is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoenas. See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).² In addition, the Employer's assertion that the subpoena should be revoked because compliance with it would require the Employer to produce surveillance tapes in violation of state gaming regulations (Chapter M, § 4.03 of the Missouri Gaming Commission's Minimum Internal Control Standards) is without merit, as the Employer has not yet sought the approval of the Missouri Gaming Commission for the release of the documents pursuant to the

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Petitioner's request that its petition to revoke be made part of the official record in this case is denied as premature, without prejudice to the Petitioner renewing this request if these investigative proceedings progress to the stage where an official record is created.

subpoena. 3

Dated, Washington, D.C., August 9, 2012.

MARK GASTON PEARCE, CHAIRMAN

BRIAN E. HAYES, MEMBER

RICHARD F. GRIFFIN, JR., MEMBER

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³ In considering the petition to revoke, Member Hayes has evaluated the subpoena in light of the Region's statements in its opposition brief that it is "seeking the same evidence that the Employer used in its decision to terminate" and that the request "to view the same video" with some additional time "closely mirrors the same investigation the Employer claims to have conducted...."